(i) above.

[Placed in Library. *See* No. LT-5061/87 for (i) to (iii)].

WRONG REPORTING OF MEMBER'S NAME BY DOORDARSHAN

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh) : Sir, day before yesterday Mr. Natwar Singh was making a statement on Fiji I was to seek a clarification. Mr. Jagesh Desai was in the Chair. He called me by the name 'Ramakrishna' but afterwards he corrected it and called my name as 'Radhakrishna'. But Doordarshan has quoted me as 'Alagesan'. Alagesan has nothing to do with my name. Everytime Doordarshan quotes my name wrongly. Sometimes they quote me as 'Ramakrishan' and sometimes by some other name. Ultimately, they have ended with quoting me as 'Alagesan'.

SHRI V GOPALSAMY (Tamil Nadu) : Lord Krishna has many names.

SHRI N. K. P. SALVE (Maharashtra) : I think it is the other way round. It is Doordarshan which seem to need the protection.

MR CHAIRMAN : Let us go to the legislative business. Yes. Mr. Tariang. (*Interruptions*). Yes. Mr Satya Prakash Malaviya.

SHRI PUTTAPAGA RADHAKRISHNA : Sir, I need your protection. I request the Chair to direct Doordarshan to quote my name correctly as 'Radhakrishna'.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir) : There is a proverb, what is there in the name (*Interruptions*).

SHRI NAGEN SAIKIA (Assam) : I want to draw the attention of the Government to the deployment of CRPF and BSF in Assam. Deployment of CRPF and BSF for holding elections in Nagaland be stopped immediately. The Home Minister may be asked to make a statement in this regard in the House.

SHRIMATI BIJOYA CHAKRAVARTY (Assam) : The autonomy of the State Government..

MR. CHAIRMAN : I have not permitted. You please sit down. Yes, Mr. Satya Prakash Malaviya. (*Interruptions*). I have not permitted you. Whatever she says will not go on record.

Yes, Mr. Satya Prakash Malaviya.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 1978—Contd

II. THE REPRESENTATION OF THE PEOPLE (THIRD AMENDMENT) BILL, 1987—Contd

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) माननीय सभापति जी, कल माननीय जसवन्त सिंह जी ने अपना निरनुमोदन का प्रस्ताव रखा उसका मान्यवर मैं समर्थन करने के लिये खड़ा हुआ हूं। मान्यवर, मेरा विचार है कि (**व्यवधान**)

Sir, let her first walk out. Then I will continue.

SHRIMATI BIJOYA CHAKRAVARTY (Assam) :**

(*At this stage, some Hon. Members left the Chamber*)

श्री सत्य प्रकाश मालवीय माननीय सभापति जी, श्री जसवन्त सिंह जी ने जो कल निरनुमोदन का प्रस्ताव रखा है उसका समर्थन करने के लिये मैं खड़ा हुआ हूं। मान्यवर, हमारा संविधान जब बन रहा था तो उसमें इस बात की व्यवस्था जरूर थी कि अनुच्छेद 123 के अन्तर्गत किसी विशेष परिस्थिति में सरकार अध्यादेश के जरिये कानून बना सकती है या कानून में संशोधन कर सकती है और उसमें परिवर्तन भी कर सकती है। लेकिन, मान्यवर, जिस प्रकार से यह अध्यादेश लाया गया है और जिस

**Not recorded, as order by the Chair.

प्रकार से इसमे संशोधन किया गया है उस पर मेरी आपत्ति है।

[उपसभापति महोदया पीठासीन हुई]

महोदया, इस संशोधन के जरिये मंत्री जी ने जो इसके कारण और उद्देश्य बताये हैं उनसे यह स्पष्ट हो गया है कि सरकार को इस बात की जानकारी थी कि नागालैंड विधान सभा का जो कार्यकाल है वह समाप्त होने वाला है और शीघ्र ही वहां पर चुनाव होने वाले हैं। महोदया, पिछला जो सदन था वह 27 जुलाई से लेकर पहली या दूसरी सितम्बर तक चला। इस प्रकार करीब-करीब सवा महीने सदन चला। संविधान निर्माताओं की कभी भी यह इच्छा नहीं थी कि सदन चलता हो और सरकार को इस बात की जानकारी हो और जो विषय वह सदन मे ला सकती हो उसे न लाये। ऐसा करना सदन की उपेक्षा करना है। क्योंकि यदि यह संशोधन विधेयक उस समय आया होता तो दोनों सदनों के सदस्य, लोकसभा के सदस्य और राज्य सभा के सदस्य इस बारे मे अपने विचार व्यक्त कर सकते थे और सदन की राय देने के बाद तब इस तरह का कानून बनाया जा सकता था। महोदया, इस सिलसिले मे दूसरी आपत्ति मेरी यह है कि जैसा मंत्री जी ने अपने वक्तव्य मे कहा है कि इस तरह की परिस्थितियों मे अध्यादेश जारी करना पड़ा। मंत्री महोदय ने अपने वक्तव्य मे कहा है कि जो संविधान का 57वां संशोधन है वह लोकसभा द्वारा 28 अगस्त, को पारित किया गया और राज्यसभा द्वारा 31 अगस्त, को पारित किया गया और इसको 21 सितम्बर 1987 से प्रभावी किया गया। शायद इसी कारण से यह काम चुनाव आयोग को दिया गया। क्योंकि इस बात की सफाई दी गई कि नागालैंड मे चुनाव होने वाला है इसलिये इन विशेष परिस्थितियों मे चुनाव आयोग के यह कहने के बाद कि इसके पहले अगली प्रक्रिया पूरी नहीं की जा सकती है, इन कारणों से सरकार को इस अध्यादेश के जरिये इसमे संशोधन करना पड़ा। मैं यह जानना चाहता हूं कि सरकार ने ऐसी अदूरदर्शिता का काम क्यों किया? सरकार को जब इस बात की जानकारी थी कि नागालैंड मे चुनाव होने वाले है तो इस प्रक्रिया को पिछले सत्र के चलते या उसके पहले जो सत्र था उसमे करके इस तरह के संशोधन को लाया जा सकता था। महोदया, इस सम्बन्ध मे तीसरी आपत्ति मेरी यह है कि इसमें जिस प्रकार से संशोधन लाया गया है, सरकार की मंशा इस संशोधन मे जो कुछ है उससे मेरा कोई विरोध नहीं है। लेकिन जिस प्रकार से चर्चा हो गई है कि अनुसूचित जाति के लोगों के लिये यहां पर संशोधन लाया गया है। महोदया, आज ही समाचारपत्रों से जानकारी हुई कि बहुत ही जिम्मेदार लोग इनको उपेक्षा की दृष्टि से देखते हैं। राजस्थान मे एक मन्दिर है श्रीनाथ द्वारा मन्दिर। इस मन्दिर मे हरिजनों के प्रवेश के सम्बन्ध मे कुछ लोगों को आपत्ति होती है। हरिजन लोग जब मन्दिर मे जाना चाहते है तो उनको जाने की अनुमति नहीं दी जाती है। कुछ जिम्मेदार लोग है जो यह नहीं चाहते और जो मन्दिर की प्रबन्ध समिति के सदस्य होते है और दूसरी समितियों के सदस्य होते है वे उनको रोकने का प्रयास करते हैं। इसके अतिरिक्त मान्यवर इस देश मे इस बात की चर्चा की जाती है कि वह किसी फला जाति से सबंधित है, वह व्यक्ति फला बिरादरी से सबंधित है, वह फला फलां का लड़का है। महोदया, मैं सरकार का ध्यान इस ओर आकर्षित करना चाहता हूं और निवेदन करना चाहता हूं कि सरकार को इस ओर भी ध्यान देना चाहिये क्योंकि इस भले ही संविधान मे संशोधन

□[श्री सत्य प्रकाश मालवीय]

करें जो हमारे अनुसूचित जाति के लोग हैं या अनुसूचित जनजाति के लोग हैं उनको प्रतिष्ठा की बराबरी मे लाने के लिये कदम उठाये लेकिन आचरण मे उनको हेय दृष्टि से देखें दूसरों के सामने उनका अनादर करें उनकी प्रतिष्ठा को गिराने का काम करें तो वह यह न सरकार के लिये शोभा की बात है और न किसी दूसरे के लिये। शुरू से ही बराबर इस बात की आवाज उठाई जा रही है कि विपक्ष के तथा सत्ता पक्ष के माननीय सदस्यों की ओर से और मंत्री जी ने सदन में आश्वासन भी दिया है कि हमारे देश में जो चुनाव कानून है जो भी चुनाव प्रक्रिया संविधान मे है या जो जन प्रतिनिधित्व कानून है उनमे संशोधन करने पर सरकार विचार कर रही है। चुनाव आयोग ने भी सरकार के पास अपनी राय भेजी है। सभी राजनीतिक पार्टियों के कहने पर सरकार ने चुनाव आयोग से भी राय ली थी और चुनाव आयोग की कई बार बैठकें भी हुई जितने भी राजनीतिक दल हैं सभी ने सरकार को लिखकर के दिया लेकिन आज तक कोई भी कार्यवाही नही की गई है। आज भी बराबर इस बात की चर्चा है कि धर्म को राजनीति मे नही जोडना चाहिये। अभी परसों तक एक माननीय सदस्य का प्रश्न था जिसका सरकार के द्वारा यह उत्तर दिया गया कि हम लोग इस पर विचार कर रहे है। मै पूछना चाहता हू जैसे जसवन्त सिह जी ने भी कहा इस बात को दोहराने की आवश्यकता नही है, 1984 के चुनाव में प्रधान मंत्री ने इस बात का वायदा किया था तथा उसके बाद जो राष्ट्रपति जी का अभिभाषण संसद मे हुआ था उस मे भी सरकार द्वारा यह आश्वासन दिया गया था कि हम लोग चुनाव कानून मे संशोधन करने वाले है। लेकिन 1986 मे जो संयुक्त अधिवेशन में राष्ट्रपति जी का अभिभाषण हुआ और 1987 में जो अभिभाषण हुआ उस मे इस बात की कोई चर्चा नही की गई। मै इस राय का हू कि सरकार ने जो वायदा ससद में किया है सरकार उससे पीछे जा रही है, मुकर रही है। इसलिये मै आपके माध्यम से मंत्री जी से यह पूछना चाहता हूं कि इस सरकार ने इस सम्बन्ध में क्या निर्णय लिया है। सभी राजनीतिक दलो ने चुनाव आयोग को अपने सुझाव दिये है, उसमे उन्होंने क्या निर्णय लिया, कब तक चुनाव कानून मे परिवर्तन किया जायेगा, इस बात की जानकारी सरकार ने अभी तक नही दी है। हालाकि मै इस बात की चर्चा पहले भी कर चुका हूं कि जिस दल से प्रधान मत्री जी सम्बन्धित है उस दल ने आज तक चुनाव आयोग को अपना कोई भी सुझाव नही भेजा है कि चुनाव कानून मे किस तरह का परिवर्तन किया जाये जबकि चुनाव आयोग ने बार-बार कांग्रेस पार्टी के लोगो से इस बात की जानकारी मांगी है। मै एक बात और कहना चाहूंगा मैं एक जानकारी चाहता हू इस में इस बात की चर्चा की गई है जैसे मैने शुरू मे ही निवेदन किया अभी फिर आश्वासन दिया गया है कि सती काड मे जो लोग दोषी पाये जायेगे उन लोगों को चुनाव में खड़ा होने के अयोग्य करार दिया जायेगा सरकार इस बात पर विचार कर रही है। मै यह पूछना चाहता हूं कि सरकार इस आश्वासन को कब तक पूरा करेगी। साथ ही साथ विरोधी दलो की बराबर यह मांग रही है कि चुनाव लडने के लिये स्टेट फण्डिग होना चाहिये क्योंकि काला धन हमारे देश के के चुनावो मे हावी है जिसके कारण सारे चुनाव मे खराबी हो रही है। मै यह बाते जानना चाहता हू। इन शब्दों के साथ मै जसवन्त सिह जी द्वारा प्रस्तुत परिनियत सकल्प का समर्थन करता हू।

SHRI JERLIE E. TARIANG (Meghalaya) : Madam Deputy Chairman, I welcome the Representation of the People (Third Amendment) Bill, 1987, and in this connection I would like to say something in regard to the Ordinance.

I feel that the President has done very correctly by proclaiming the Ordinance, especially with regard to Meghalaya, where the three tribes would be included in the list of Scheduled Tribes before the Bill is given assent to by the President for the reservation of seats for Scheduled Tribes in the Meghalaya State Assembly.

Madam, there are many Scheduled Tribes in the State of Meghalaya, but the three tribes which are concentrated in certain constituencies, are remaining very backward and exploited. These are the Boro Kacharis, the Koch and the Raba. These people are from times immemorial residents of that particular area of the State. But they do not have the same privilege of other Scheduled Tribes in the State. They are recognised as Scheduled Tribes in Assam, in West Bengal and other places, whereas in their place of origin they do not have the same rights as other Scheduled Tribes have Therefore, the State Legislature of Meghalaya in 1980 passed a unanimous resolution to include these three tribes in the List of Scheduled Tribes of Meghalaya.

No Bill has been brought to include these, whereas another Bill has been brought to reserve seats for the Scheduled Tribes in Meghalaya Unless this ordinance was promulgated, I am afraid, these tribals would have remained always outside the purview of that Act.

Madam, the Boro Kacharis, the Koch and the Raba are small tribes located in certain constituencies. According to the Act, which was passed recently, the Bill that was passed in the last session, seats were reserved according to the Members representing the seats If he is a Scheduled Tribes, that seat is reserved for Scheduled Tribes So in the Garo Hills, unless these three constituencies are made Scheduled-Tribes constituencies, they will never be able to enjoy that protection. Those seats would have been declared general, and as such these people will not be able for long to represent those constituencies and the ethnic sections that they do represent.

Therefore, I welcome the Bill, and I hope that the hon. Members of all sections of the House who had given support to the Bill in the last session, would also kindly give the same support so that these backward people, the Boro Kacharis, the Koch and the Raba shall feel that they are also being recognised by this august House and that they do feel that they should also have a share in representation to the Legislative Assembly of Meghalaya.

With these few words, Madam, I resume my seat.

Thank you,

SHRI P. BABUL REDDY (Andhra Pradesh) : Madam, I thank you for the opportunity given to me.

Before I take up the provisions of the Bill which is a fairly simple one, I would like to record my objection to this practice of bringing ordinances first and then coming before this House for ratification. Madam, this has become a habit with the Government. The Supreme Court has on an occasion condemened this. A classical example of the misuse of the ordinance-making power is found in Bihar One ordinance was re-issued for about 38 times and kept alive for a period of nearly seven years in Bihar. Such misuse was condemned by the Supreme Court.

Why I am very seriously mentioning this matter is, there is no unforeseen factor here The term of the Legislature of Nagaland would expire on 28th November, 87 to know that, much wisdom is not required, much forethought is not required. When there is such a certain event which would happen on 28th November, 1987, why the Government did not think of passing a law instead of making an ordinance first is a matter which should be explained.

No doubt at the last minute it becomes an urgency But what prevented the Government to foresee and come with a suitable legislation before the House Otherwise what is happening is that the ordinance power is an executive power, actually to make law. It is an exception. Though it

[Shri P. Babul Reddy]

is issued in the name of the President or the Governor, it is actually the Council of Ministers that make the ordinance and then issue in the name of the Governor or the President as the case may be So, as a deviation from the Constitutional scheme that the law should be made under the Constitution by Parliament and the Assembly, in exceptional cases in an emergency case, power is given to the Executive to fill up the gap. That should not be made a habit. That is also a classical example of misuse of ordinance making power. Then the result is that the normal organ in the Constitution to make laws is not making law, but only functioning a ratifying organ Mr Bhardwaj will issue an ordinance and we will all ratify it later. It comes to that. This should be avoided

Mr. Bhardwaj will issue an ordinance and we will all ratify it later. It comes to that. This should be avoided.

What I wanted to say is that this Bill is only a follow up action to the 57th Amendment in the Constitution There is nothing to object in this Bill because the intention of the 57th Amendment is carried out by this Bill and I support the measures in the Bill.

I want to take this opportunity and point out one or two more things The Delimitation Commission is governed by the Delimitation Commission Act. Here I must say that the Act contemplates at least once in ten years i.e. whenever the new census comes out, the Delimitation Commission should apply its mind determine the number of seats in every State and the number of seats to be reserved for Scheduled Castes and Scheduled Tribes and the particular seats to be chosen for the purpose of reservation This is the function of the Delimitation Commission But what is happening is that the Constituencies which were reserved either for the Assembly or for the Lok Sabha in 1952, even after 35 years, are continuing to be the same constituencies What is worse is that the Delimitation Commission Act contemplates at least for reservation of seats for Scheduled Castes, spreading them Statewide I would like to read Section 9(c).

"Constituencies, in which seats are reserved for Scheduled Castes, shall be distributed in different parts of the State and located, as far as practical, in those areas where the proportion of their population to the total is comparatively target."

"Unlike the reservations for Scheduled Castes, reservation for Scheduled Castes should be distributed throughout the State."

But what is happening in my State ? Nellur and Tirupati are side-by-side constituencies for Lok Sabha. From 1952 both are reserved side-by-side constituencies. Both are reserved because there was no further opportunity to review this matter and they are continuing. For Assembly also the same thing is continuing For example, in Chikmaglur district in Karnataka two Assembly constituencies side-by-side are reserved right from 1952. In Chitradurga district also the same thing exists So, in those days whether objections were given or not, the Delimitation Commission dealing with the constituencies in the entire country by oversight might have committed that mistake, but unfortunately there was no opportunity to correct the mistake. The delimitation Commission which is contemplated as a permanent body here with the Supreme Court Judge as the Chairman is not functioning at all

I would like to take this opportunity to request the law Minister to breath life into this Delimitation Commission and bring life to this Delimitation Commission and make it active Otherwise it is so dormant that it is in a moribund condition If should be revived This is my submission, so far as the Delimitation Commission is concerned.

There is one more thing on which, I would like to speak. For democracy to function properly in our country, there is a need for a two-party system. It does not matter even if it is not a two-party system in a big country like ours. There can be three, four or even five parties.

Today in Parliament itself there are 21 political parties and have M.Ps, both in the Lok Sabha and the Rajya Sabha. This is making a mockery of democracy A law must come forward to see that this multipolicity and this mushroom growth of political parties are curbed because the people in this country are illiterate and they are being confused by this labyrinth and by this multiplicity. All these political parties

must be pruned and they must be cut to size at least in Parliament. There should not be a report that so and so represents a particular political party unless that party has got at least five Members in both the Houses put together. If there is only one Member when both the Houses are put together, then, we can make our representations, noises or whatever it is. This should be prevented by some law as early as possible. It is as important as funding of elections I was in the Consultative Committee attached to the Ministry of Law when Dr. Jagannath Kaushal was the Minister of Law and from that time onwards for the last five to six years we have been stating and pressing that there must be taken up very quickly. That was the Kaushal had assured us that the whole thing was finalised and it was sent to the Prime Minister when Mrs Indira Gandhi was alive and it would be done very quickly He said that the law reforms would be electoral reforms. Dr. Jagannath assurance given to us from time to time. But unfortunately, I do not know, where it got stuck up Though the Cabinet has considered the matter, we have not made any law reforms either in election funding or in reducing the age or in regard to the containing this money power and muscle power or with regard to the pruning and cutting down the number of parties and arresting the mushroom growth of political parties Somebody told me that there are 48 political parties in the country today. It is really very unfortunate. Twenty-one political parties have their M.Ps., either in this House or in the other House. This should be taken very serious note of and as I have said earlier, the hon. Minister, Mr. Bhardwaj should take immediate steps to see that this Delimitation Commission comes into activity. Thank you.

SHRI NAGEN SAIKIA (Assam) : Madam Deputy Chairman, I take my stance not to oppose the main spirit of the Bill but to oppose the habit of bringing a Bill in the House after an Ordinance is promulgated To that effect, I support the Statutory Resoluton moved by my hon. friend, Shri Jaswant Singhji By this process the Government takes a privilege of doing anything arbitrarily without the consent of the House specially where the matter of peoples' representation is there. The representatives of the people and State in the Parliament should have the first privilege to give their opinions about it

I have another major point to submit before the House The point is with regard to the elections process with the peoples' representation Before the matter of peoples' representation is taken up, the Government should take the following steps : (1) It should ask the CEC to hold elections of the State within its own territory. (2) It should ask the concerning States not to cross their border even by an inch. What we are experiencing today in Nagaland is quite unwanted and unconstitutional and the beginning of the most dangerous signs for the future if it is no. stopped, at this moment, by all means. The State of Nagaland has been violating the Nagaland Act, 1962 systematically and has intruded into Assam in some places upto 25 kilometres They have been trying to occupy about 27 000 hectares of land of Assam and have gone to the extent of opening a new sub division on the soil of the Assam under the name Nui Land which means our land More painful thing to see is that the Central Government instead of making the Nagaland Government accept the Sundaram Committee report on Assam-Nagaland border issue is patronising to hold Nagaland elections on the soil of Assam. The Central Government has even deployed BSF and CRPF to see that the elections of Nagaland are held on the soil of Assam On some previous occasion the Government of Nagaland has requested the Government of Assam to allow them to set up a few polling booths in Assam for the people of Nagaland living near to the Assam border and an agreement was made purely on a temporary basis to that effect But this time, instead of requesting, they have been intruding with a clear motive of occupying the land of Assam and such move on the part of Nagaland and of other States must be stopped. In this context, I demand that the Bill be withdrawn unless and until the border issues of Assam with the neighbouring States are settled for ever

With these words, I support the resolution moved by Shri Jaswant Singh Thank you

SHRI JASWANT SINGH (Rajasthan) : Madam Deputy Chairman, it is formal and

[Shri Jaswant Singh]

routine to thank those hon Members who have participated in this discussion. As I started by saying, the discussion itself, the intent behind the Ordinance or the Bill is not being questioned by anybody. *It is a requirement, that is necessary and* indeed the Government had to undertake it. The substance of our disagreement with the Government lies with the methodology adopted by it, by bringing an Ordinance on dates which were so much in coincidence with the previous Session that they do not convince us about the Government's efficiency The hon Minister of State, during his intervention on the subject has not shed light on why this delay took place. Perhaps, if he explained the delay and if we were convinced about the delay as having been unavoidable, therefore, candorable, then the substance of the motion of disapproval would fall I would refer only to one factual error to one other participant and then take up what my esteemed colleague Mr. Saikia from Assam, with such feeling has stated

सत्य प्रकाश मालवीय जी ने नाथ द्वारे का उल्लेख किया था। महोदया, सत्यप्रकाश मालवीय जी ने कहा था वैसे तो लोग राजस्थान के बारे में जो आजकल बहुत कुछ कहते रहे है, कि बहुत पिछडा प्रदेश है, लेकिन उन्होने नाथद्वारा का उल्लेख करते हुए कहा कि नाथद्वारा में हरिजनों के लिये प्रवेश बन्द है। यह बिल्कुल गलत है, यह तथ्य गलत है। बल्कि वास्तविकता यह है कि नाथद्वारा में हरिजनो के लिये प्रवेश बन्द ही नही है, वहा कई उत्सव केवल हरिजनों के लिये होते है। नाथद्वारा ही एक ऐसा स्थान है, जिसमे सालाना ऐसे पर्व मनाये जाते है, जहा बाजे गाजे के साथ नाथद्वारा के ही नही, दूर दूर से लोग आते है। इसलिये यह मेरे लिये आपत्तिजनक बात है कि सत्य प्रकाश जी तथ्यों को तोड मरोड कर रख रहे है । नाथ द्वारा हम सबका तीर्थ स्थान है। हां, यह राजस्थान मे स्थित है, वह और बात है लेकिन उसको लेकर के इस प्रकार के गलत प्रचार हो जाये, इस पर मुझे आपत्ति है।

Madam Deputy Chairman, now about the Assam-Nagaland question which is troubling a great many of us, indeed, also my esteemed colleague, Mr. Saikia, from Assam, who has spoken so feelingly about it, this is an old dispute. The dispute has been tackled at various levels. What is disturbing is that even when the Chief Election Commissioner has himself said that polling be permitted only in such areas of Assam as have earlier been permitted for polling, I am given to understand that near about 70 additional polling stations have been established. The Chief Minister of Assam is aggrieved about it. BSF and CRPF are deployed at the site. Madam, these are disturbing things. The ideal course is for Nagaland and Assam to settle this problem amongst themselves, with the good offices and intervention by the Federal Government. But the Federal Government of any Government, State or Centre, must not employ opportunities for partisan benefits and here is where I come to the conclusion of my submission that elections in theory are meant to provide *all of us with a sense of participation* in this exciting, wondrous process that is called democracy. Elections are a means to provide us with that sense of participation. In that sense, elections are an assimilative and therefore, an integrative process. At least that is what they ought to be. Yet, in practice—that is what is deeply disturbing me—democracy, as we have come to practise it today in the country, has become deeply divisive. Instead of its being an assimilative, an integrative process, it has become disintegrative. What has been demonstrated today on the borders of Assam and Nagaland by the deployment of BSF and CRPF ? You may well arrange the 70 polling booths which Assam is questioning May be, polling booths will be established and polling will take place You may even go through the process of casting votes. I do not know whether by doing so, or by merely going through that process we would be upholding the spirit of democracy. I therefore, take this *opportunity to apeal, yet again, to the* Government that there is one, and only one, method for us to stop this process of disintegration, the disintegrative aspect of

the process of elections, and that is, by electoral reforms If we do not, and the Government is charged with that responsibility it is their own undertaking, if we do not rapidly, as urgently as yesterday, undertake electoral reforms, we would be committing harakiri we would be committing the gravest possible crime towards Indian democracy, because in not carrying out electoral reforms, meaningful electroral reforms, with the utmost, greatest sense of urgency, we are causing the Indian democracy to be injured most vitally That is my appeal to the Government I take this opportunity of this particular Legislation to make that appeal to the Government. Thank you, Madam

THE MINISTER OF STATE IN THE *MINISTRY OF LAW AND JUSTICE* (SHRI H. R BHARDWAJ) : Madam, at the outset I must thank Shri Jaswant Singhji and other hon Members who have spoken on this Bill for a very constructive and meaningful debate on the issue I would only remind the House that the Constitution Amendment Act was passed during the last Session of Parliament with the unanimous support of this House. It was brought into force on 21 September 1987 and this Ordinance, about which I have made the explanation in detail in my statement, was promulgated on 22 September 1987 As hon. Members are aware, the elections were to be held on 18-11-1987 in Nagaland. The notice for calling the elections was to be issued on 1-10-1987 according to the schedule prescribed under the law. So, the time available for delimitation was to be given to the Election Commission from 22-9-1987 to 1-10-1987, to demarcate this constituency before 1-10-1987. Actually, so far as the spirit of the amendment is concerned, it is a political question which was supported and which is now being supported by all political parties.

SHRI SATYA PRAKASH MALAVIYA : I have not supported

SHRI H R BHARDWAJ : Malaviyaji, that is why I have drawn your kind attention to the earlier two legislations The House has supported the departure from the ordinary reservation system in the Constitutional Amendment. You have supported that also and the earlier Act also. So there is no question of your not supporting The only thing is, there is an objection with regard to the Ordinance being passed. I am only giving you the dates. There was no option for me except to bring an Ordinance and give time to the Election Commission to demarcate this constituency between 22-9-1987 and 1-10-1987 Otherwise, the whole schedule of elections could not take place in time. And, so far as this is concerned, as to why it was delayed, you may remember that in the last session, this Constitutional amendment was passed in which we made a departure from the ordinary system about the reservation which we had according to the Constitutional provisions which were earlier prevalent You have given a different system of reservation under the section (3A) now. Therefore, under the new clause (3A), you have to give a different type of representation to these tribes and three new tribes were added also and, actually, the Election Commission itself did not know as to how many seats were vacant Actually, the three seats which were vacant were brought to the notice of the Election Commission much later. So, this was a special situation under which these dates were to be adjusted for holding the elections in time and it was with all sincerity of purpose and intention that the elections should not be delayed that this was done and we had to adjust according to this. So, this decision to give a different system of reservation to these tribes, and addition of these three tribes has been supported by all of us and, so, I think that it is a question of *fait accompli* now

Now, I appreciate Jaswant Singhji's point that when we have regular sessions of Parliament, we should not hurry through ordinances and all that and it is an accepted principle in parliamentary life that the less we run by ordinances the better it is and I do appreciate it fully But this has to be resorted to when there is an absolute necessity and the Government took the decision to promulgate this Ordinance in this background.

Regarding the other points, Madam, I have already expressed my gratitude to the House because they have supported the spirit of the new provisions given in this amendment.

[Shri H R Bhardwaj]

With regard to the other points which the honourable Members have raised, particularly about delimitation, I subscribe to those views and I do believe that the delimitation, if it is to take place, must take place now because, otherwise, there will be no time left to undertake this big task. So, I am going to convey the feelings of the House to the Government and the moment the Government takes a decision, we will come forward with the necessary Bill to be passed by the House.

Well Madam we have debated time and again the question of electoral reforms, the importance of electoral reforms, and I fully share the anxiety of the House to have electoral reforms as early as possible and I have indicated that the Government would like to discuss this matter, which is of significance and importance, with the leaders of the Opposition parties How soon it will be, I cannot say now

SHRI SATYA PRAKASH MALAVIYA : It has been pending for more than three and a half years.

SHRI H R BHARDWAJ : I am coming to that point only If you have anything else, you tell me I am going to reply to that and if it convinces you, it will be very good.

Madam, there are various issues which are being pressed in electoral reforms On some issues we all agree that they can be accepted straight away and on some issues we differ also Honourable Members are aware that we would like to have the maximum consensus on this matter and we feel that those issues on which we all agree must be brought into effect immediately. So, we are trying to analyse them and a very serious debate is going on within our party also because we have to take all Members of Parliament into confidence as to what type of reforms are needed. I do not think that today we have the consensus of all the political parties on all the provisions suggested so far But, on major points like the influence of money power, muscle power, booth-capturing, presence of a large number of bogus and frivolous candidates—these are all very vital questions— we think that we must decide quickly, at least before the next general elections and sufficient laws should be passed. Then, funding of elections is a different issue. The Election Commission has made some suggestions about giving partial help to the contestants. But there is no recommendation as such from the Election Commission regarding funding of elections. Nevertheless this issue was debated and some parties had supported it. But how it is be given and what is to be given are all political decisions which will have to be taken. Our job is to implement it the moment the decision is taken.

Now, so far as the other points are concerned, I would like to mention that we have already an anti-defection law But I am surprised sometimes that this law has been challenged Earlier we were all unanimous that we pass this law and see that this evil of defection is stopped forthwith The nation was very happy. But now I am finding that some people to support defectors. I was surprised that new standards are being laid of political thinking as if it is the statutory or the constitutional right of defectors to defect and create a new system in democracy. Well, that standard has to be seen by the House. Earlier the House thought that defection is an evil. But if that thinking has started, it is for the House to see. But I personally feel that defectors are pernicious to the system of democracy. We had curbed it by legislation If any more stringent measures are required we shall be sharing the entire wisdom of the country through this House No respectability should be attached to the defectors. I still maintain that that was one thing which was very necessary for proper functioning of democracy in this country I think Jaswant Singh'i and other leaders who have spoken share our concern. It is not one person's job or one party's job to successfully run democracy in the country. If every party subscribes to this, then only democracy can sustain and be strengthened in the country because they also represent the people of India in their own constituencies The question today from the heart of hearts is that we must think how we can strengthen it further. And this is a very strong measure. If you win the election and thereafter you do not serve the people and you just defect right and left and try to form stray groups, then what are you going to do ? You may accuse me as a person. But I strongly condemn this

type of defection by individuals. So far as the ideological content is concerned, the Member must sustain himself as long as he is a member of that political party. Can anybody contradict that a man who contests an election on a particular political programme, whether good or bad, adopted by the manifesto of that particular party and a particular system of that party, and later on he says 'I do not believe in it' he must vacate the seat ? Let him go and try to get himself elected again by the people. People have done it in other parties. They have resigned the membership, gone out and shown that they are very popular.

SHRI NIRMAL CHATTERJEE (West Bengal) : Your party does not have elections for the last. .

SHRI H. R. BHARDWAJ : I am talking of Parliament elction, not party election. I am a student of politics since my childhood. I do not find any election in any party. This is also an evil from which parties are suffering.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir) : Including the CPM.

SHRI H. R. BHARDWAJ : CPM has a different system. I will not comment, because my friend will be annoyed with me personally. And I am in no mood to annoy anybody today. I can tell you frankly I am only responding to Jaswant Singhji. He was so sweet to me. Therefore, I would also like to be sweetest to him, personally. I can only submit before the House that the political system of a country has to be nurtured by all concerned. If I am today in Congress (I) and I defect tomorrow and you give respect to me . .

SHRI DIPEN GHOSH (West Bengal) : Is there any chance like that ? (*Interruptions*).

SHRI H. R. BHARDWAJ : My chance ? (*Interruptions*) I am expecting transfer from the other side now. I am only submitting this for your benefit because earlier in my childhood I thought of Marxism was with a political content. But I am sorry that after decades that political content is now being lost by them also. And this is a very sorry state of affairs. It is my personal view.

Sir, I would like to answer and respond to Shri Jaswant Singh in the same true and constructive manner that we must build a strong democracy. Elections must be fair. Elections must be impartial and in time, and for that we must do whatever we can do. And thereafter once you get elected it is equally important that you must serve those policies and programmes on which you will come to know the public opinion difference of opinion on these two issues ? But what is the state of affairs today ? We have moved astray from that ideal which we cherished in the beginning of this Parliament. Therefore, we will join again on issues of national importance.

So far as the suggestions of Mr. Babul Reddy are concerned I wholly welcome them. Two-party or three-party. This is a vast country. If the country decides on ideological basis, we will have two parties or three parties. That will be a very wholesome system. Again, it is not within the competence of the Government to say that we abolish all the political parties. Parties come into existence on the basis of ideologies and later on groups emerge from the ideological parties. These groups become more prominent than the parties themselves. This is the tragedy (*Interruptions*) Are we prepared to face this tragedy ? In a way, it has come to us because we are not sincere to the cause. Each one of us has to ask himself whether he is sincere to this cause.

Similarly, there is the use of religious symbols and religion for politics. It is a corrupt practice. But it is seldom negatived by people who stand for elections. Again, we will have to have a strong national consensus on it. We are prepared to sit and discuss the norms. I am prepared to discuss the idea of Mr. Babul Reddy. I would like to have a strong public opinion on it. In politics, smaller groups are very dangerous for the existence of democracy because they have no ideology and programme. They are motivated by selfish instincts. The moment they are out of power, they run away and say that they are the heroes. This country needs solid and fruitful parties.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh) : The will of the people will prevail. It does not matter who-

[B Satyanarayan Reddy]

ther they are small groups or big groups If the people elect groups then it is the will of the people.

SHRI H. R. BHARDWAJ : Madam, I fully agree with Satyanarayan Ji Those groups which are elected by the people must be given full support so that they can function freely for the service of the people. If some member defects from Telugu Desam, I don't know what your Chief Minister will say Suppose the member who has defected says that he is the real Telugu Desam, will he become the Telugu Desam ?

SHRI B SATYANARAYAN REDDY : People will teach a lesson to them.

SHRI H R BHARDWAJ : Therefore, it is very necessary to discuss these things. Whole-hearted support has been given to the Bill. Some Members have gone into stray areas We are much more keen for cleanliness in public life. We must sit down and decide about it

I am not competent to comment on Nagaland and Assam. Nor will I deal with it. This is the area where the Home Minister is concerned. You better discuss it with him This is not relevant to it. This is a simple case of *fait accompli* today. The Nagaland poll is on. It will be over at 3 o'clock. I am very grateful to Jaswant Singh Ji and other friends who have spoken.

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh) : Tomorrow you will come to know the public opinion in Nagaland.

SHRI H R. BHARDWAJ : Radhakrishna Ji, there is one thing in democracy. People win and lose. Many people have won and many people have lost. It has made no difference to the country. As Shri Satyanarayan Ji says, the wisdom of the people is the real thing. They know the issues The question is that the elections must be fair and in time. Whatever be the result, we must gracefully accept it This is the success of democracy. The result does not matter. The real thing is that we should rule the country, the Indians should rule the country. It is a very valid and successful democracy. This type of petty feeling is not in our minds at all. We do not mind losing or winning elections so long as the people decide it truly and their vote is meaningful. Madam, I again express my gratitude to Jaswant Singh Ji

SHRI PUTTAPAGA RADHAKRISHNA : What about delimitation ?

SHRI H R BHARDWAJ : I have said that I agreee with this.

मैंने पहले कहा था आप शायद आये नही थे। मैंने शुरू में कहा था। डिलिमिटेशन के बारे मे मै यह कहता हूं कि अगर अभी करना है तो इस पर फैसला होना चाहिये और मेरे फाजिल दोस्त गुरूपद स्वामी जी और आडवाणी जी, वीरेन्द्र वर्मा जी, उपेन्द्र जी या जो भी पार्टी के लीडर्ज है आप भगत जी के द्वारा इस पर बात कर के निर्णय कर लिया जाये और जिस तरह से गवर्नमेंट का आदेश होगा हम करेगे। मै अपने बारे में कहता हूं कि हमने पूरी तैयार कर के रखी हुई थी और जब भी गवर्नमेंट का निर्णय होगा डिलिमिटेशन कमीशन की स्थापना करनी है तो कर देगे। लेकिन यह चीज पोलिटिकल पार्टीज के लोग गवर्नमेन्ट से डिसकस कर ले। और बातो पर रोज डिसकसन होता है इसके लिये भी समय निर्धारित करके बात कर ले। मै आपकी इस बात से भी सहमत हू, कि डिलिमिटेशन करना है तो यह समय है फिर नही हो पायेगा। लिमिटेड डिलिमिटेशन हो सकता है और 2000 के बाद पूरा किया जायेगा। और कोई बात अगर रह गई है तो माननीय सदस्य बता दे लेकिन आज के सन्दर्भ मे इस बात पर डिसकसन नही हो सकता और न मै चाहता हूं कि इस पर ज्यादा समय] हाउस का लिया जाये। आपने जो श्री नाथद्वारा के बारे मे कहा मै आप के साथ सहमत हू। मै श्री जसवन्त सिह जी से अनुरोध करूगा कि वे अपना प्रस्ताव वापिस ले ले।

SHRI JASWANT SINGH : Madam, it is purely a formality but in the light of the graceful intervention of the Hon. Minister of State...

AN HON. MEMBER : Sweet intervention.

SHRI JASWANT SINGH : Graceful intervention, I said, of the hon. Minister of State...

THE DEPUTY CHAIRMAN : Sweet and graceful.

SHRI JASWANT SINGH : ...I withdraw my Motion for Disapproval

**The Resolution was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN . I shall now put the motion moved by Shri Bhardwaj to vote.

The question is :

"That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN : We shall now take up clause by clause consideration of the Bill.

Clauses 2 & 3 *were added to the Bill.*

Clause 1, *the Enacting Formula, and the Title were added to the Bill.*

SHRI H. R BHARDWAJ : Madam, I beg to move

"That the Bill be passed."

The question was proposed.

श्री सत्य प्रकाश मालवीय : मेरा एक स्पष्ट सवाल है। क्या मंत्री जी इस सत्र मे जो अभी चल रहा है लोक सभा और राज्य सभा मे चुनाव कानून मे सशोधन करने के लिये विधेयक लायेगे?

*For the text of the amendment, vide Col. of the Debate dated the 17th November, 1987.

श्री एच० आर० भारद्वाज : मेडम, यह इतने पुराने पालिया मेटेरियन है जब भी गवर्नमेन्ट डिसीजन होगा हमारे पास आयेगा अगर इस सत्र में होगा तो इस सत्र मे लायेगे यदि अगले सत्र मे होगा तो ... (**व्यवधान**)।

SHRI SATYA PRAKASH MALAVIYA: You are part of the Council of Ministers.

SHRI H. R. BHARDWAJ : But give me this much credit that I know that it is a democratic Government. I am not the Government.

SHRI SATYA PRAKASH MALAVIYA: You are holding independent charge of this portfolio.

श्री एच० आर० भारद्वाज : नही, ऐसा नहीं है वह भी शिव शंकर जी के पास है लेकिन मै आपसे अर्ज कर दूं कि हमने अपनी पार्टी में जो चुनाव आयोग से सुझाव आये थे उन पर एक वर्कशाप स्टार्ट करा रखा है और वह ककलूड होने वाला है और अगर आपका डिलिमिटेशन वगैरह पर निर्णय हो जाये तो हमें लॉ बनाना पड़ेगा। लेकिन पहले आप लोग गवर्नमेंट से बात कर ले। जब तक केबिनेट डिसीजन इस पर नही होता। (**व्यवधान**)।

श्री जसवन्त सिंह . आप भी तो गवर्नमेंट है आप से तो बात कर ही रहे है। (**व्यवधान**)

श्री एच० आर० भारद्वाज : मै तो आपकी भावना भगत जी तक पहुचा दूगा।

THE DEPUTY CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.